

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Case No. 09cr49 (9) ADM/FLN

Plaintiff,

**MEMORANDUM IN SUPPORT OF
DEFENDANT'S MOTION FOR
DISCLOSURE OF RULE 404(B) EVIDENCE**

v.

(9) CHARLES LAMONT GRIFFIN,

Defendant.

The trial court holds the authority to compel pretrial disclosure of "other crimes" Rule 404(b) evidence. Fed. R. Evid. 404(b). United States v. Clarke, 564 F.3d 949, 957 (8th Cir. 2009). See also, United States v. Cobb, 588 F.2d 607, 610 n.2 (8th Cir. 1978) (noting the court's inherent power to order such disclosure).

Fairness to defendant Griffin is a compelling argument in favor of ordering pretrial notice of "other crimes" evidence; a more practical benefit is that such an order will allow the parties an opportunity to brief their arguments, thus allowing the Court to rule regarding the admissibility of such evidence in advance of trial. Early rulings on admission of such evidence have the salutary effect of promoting an expeditious trial and promoting evidentiary rulings in advance of trial. The defendant here asks for disclosure of "other crimes" evidence the government intends to introduce under Rule 404(b) during its case in chief, on rebuttal, or for and/or during cross-examination of the defendant. The defendant respectfully requests that the Court require the government to give the defendant pretrial notice no later than four weeks before trial of any evidence it might seek to introduce under Federal Rule of Evidence 404(b).

Respectfully submitted,

DATED: February 17, 2010

LINDQUIST & VENNUM P.L.L.P.

By s/Mark D. Larsen (318498)

Mark D. Larsen

4200 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 371-3211

(612) 371-3207 (facsimile)

mlarsen@lindquist.com

**ATTORNEYS FOR DEFENDANT
CHARLES LAMONT GRIFFIN**